

STATE OF RHODE ISLAND  
AND PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

Re: **PETER K.**

**VS.**

**CHARIHO REGIONAL SCHOOL COMMITTEE**

## **DECISION**

***Held: Present location of the  
bus stop does not pose  
an unreasonable risk to  
Appellant's son.***

Dated: July 17, 1998

I. **INTRODUCTION**

This matter concerns an appeal from the Chariho Regional School Committee's decision not to change the location of the bus stop for Appellant's child.

The Commission of Education designated the undersigned Hearing Officer to hear and decide this appeal. The hearing was held on May 4, 1998. The Appellant was represented by Attorney Joseph Scott and the School Committee was represented by Attorney John E. Earle.

For the reasons set forth below, we deny the appeal.

II. **BACKGROUND**

Appellant and his family reside at South County Trail in the Town of Richmond, Rhode Island. Appellant's son, Peter, is a 10 year old 5<sup>th</sup> grade student at the Chariho Middle School. Appellant's son has been bused for the last 5 years of his schooling by the Chariho Regional School District. Prior to December of 1997, Appellant's son was picked up by the school bus at the end of his driveway. That bus stop had been erroneously designated and the mistake was inadvertently brought to the attention of the school district as a result of a request submitted by an adjacent neighbor for a bus stop change. After investigation of the other neighbor's request it was determined that the bus stop should have been at South County Trail which would be the middle house in a grouping of three houses.

After the school discovered the error in the bus stop, they notified Appellant that their son's bus stop would be moved to the middle house or just under 1/10th of a mile from their home. After notification that the bus stop would be changed, Appellant appealed to the School Committee requesting that an additional bus stop be

established at Appellant's home. That request was taken under advisement and after review by the School Committee's Sub-Committee on Transportation, and on recommendation to the full School Committee, the request was denied. It is from that denial that the Appellant files this appeal.

### **Appellant's Position**

The Appellant presented Raymond A. Driscoll, Chief of Police for the Town of Richmond, Rhode Island who testified essentially that the area in question is thickly wooded on a major 2 lane north-south highway with a posted speed limit of 45MPH. On either side of the road are hard shoulders approximately 8 feet wide. He testified further that each travel lane on the roads is approximately 12 feet wide. Chief Driscoll stated that the majority of roads within the Town of Richmond are rural in nature, and without sidewalks. Each travel lane on the roads, he stated, is approximately 12 feet wide. He opines that due to the nature contour and design of South County Trail, in the area of Appellant's home an additional bus stop should be established in the front of the K, home.

The Appellant, Peter K, testified as to the character and nature of the road. He stated that he has resided at South County Trail for approximately 12 years. Prior to December his son Peter was picked up at the end of his driveway and that when the bus stop was changed Peter would now have to walk approximately 1/10th of a mile to the new bus stop which was established in front of the middle house within the cluster of three houses.

Mr. K. stated that throughout the winter months at 6:45 a.m. it is dark outside when Peter has to walk to the stop. He went on to say that in the morning Peter has to face the traffic on his way to the bus stop and that the traffic is to his back in the afternoon. He testified further that at the time of Peter's pick up Mr. K. is at home and when Peter is dropped off in the afternoon his wife is at home.

Lastly, Mr. K. testified that since the change in bus stops his son has not taken the bus to or from school but instead has been transported by him and his wife.

In summary, Mr. K. expressed concern for Peter's safety in having to walk 1/10th of a mile to and from the bus stop and that he would like another stop established in front of his home.

In addition to testimony Mr. K. presented 2 videos which he made of the immediate area which depicted traffic, the road and topography associated with the immediate area.

### **Appellee's Position**

The School Committee presented the testimony of Lillian Hisey who is the branch manager for Laidlaw Chariho Regional Bus Terminal. She testified that it is her responsibility to set out bus routes and to schedule bus stops. She stated that there are 50 buses which provide transportation within the Chariho Regional School District and that each day 4,000 children are transported over 2,300 square miles.

She went on to say that the majority of roads within the region are two lane country roads and that sidewalks are a rarity.

In determining where a school bus stop should be located, Mr. Hisey said the

bus company examines the ages of the students who are assigned to particular stops as well as looking at the walking distance for those students who are assigned to the stop. Additionally, the bus company will look at the particular area of the bus stop. After they have examined these criteria they then look to the Chariho School District's policy on students walking to school. The school district's policy for middle school students such as Appellant's son is a maximum of 3/4 of a mile (page 61).

Even though Ms. Hisey has lived in the area for most of her life and is familiar with the bus stop in question, as she had been a bus monitor for 3 years and had been on the same early morning and afternoon route, Ms. Hisey testified that she and Brian Stanley from the Chariho School Department physically inspected the site and after due consideration of all of the factors concluded that there would be no undue safety hazard for Mr. K. 's son in using the assigned stop.

Brian Stanley, Assistant Director of Administration and Finance for the Chariho Regional School District was presented by the School Committee. He testified that he was contacted by the Appellant in December of 1997 requesting that an additional bus stop be created for his son Peter. He stated that he examined the site and took into consideration all of the factors associated with establishment of bus stops and after consideration of Mr. K. 's request he denied it. Mr. Stanley concluded that by placing the bus stop at the middle home within the cluster, the Appellant's son as well as the other student living at the opposite end of the cluster would each have to walk approximately the same distance.

The School Committee's position is that it is the district's legal obligation to provide "suitable transportation" and it is impractical and impossible to provide door to door service to each and every student who is transported within the district. They contend that in view of all the factors considered and in balancing the interest of the School Committee's responsibility with the safety concerns of the student, the establishment of the present bus stop was the best practical solution.

### III. **DECISION**

Rhode Island General Law 16-21-1 requires School Committees to provide "suitable transportation" to those students for whom it would be "impractical" to go back and forth to school on their own.<sup>1</sup>

School committees are statutorily obligated to fund student transportation to encourage school attendance and to provide for the health, safety and welfare of the students. In determining whether or not it is practical for a student to walk to and from a bus stop several factors have to be taken under consideration. Those factors are the

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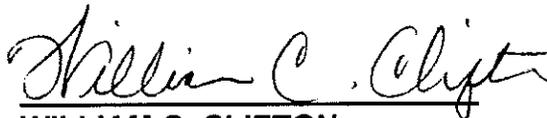
<sup>1</sup>16-21-1. Transportation of public and private school pupils - (a) the school committee of any town shall provide suitable transportation to and from school for pupils attending public and private schools of elementary and high school grades, except such private schools as are operated for profit, who reside so far from the public or private school which the pupil attends as to make the pupil's regular attendance at school impractical and for any pupil whose regular attendance would otherwise be impracticable on account of physical disability or infirmity.

(b) For transportation provided to children enrolled grades kindergarten through five (5), school bus monitors, other than the school bus driver, shall be required on all school bound and home bound routes. Variances to the requirement for a school bus monitor may be granted by the commissioner of elementary and secondary education if he or she finds that an alternative plan provides substantially equivalent safety for children. For the purposes of this section a school bus monitor should mean any person sixteen (16) years of age or older.

distance to be walked, the age of the student, and the existence of any road or traffic hazards. (See Brown v. Elston 445 A.2d 279 (1982)).

The testimony is not in dispute that the area in question is a major two lane rural highway which winds and curves in the immediate area with no sidewalks available to pedestrians. The testimony is also clear that in the cluster of three houses, the appellant lives in one of the houses on the end and that the bus stop was established at the middle house to allow Appellant's son as well as another student on the opposite end of this cluster to be picked up and discharged at the middle house.

Given the width of South County Trail travel lanes and the 8 to 10 foot wide paved shoulders, the distance involved, viewed in conjunction with the age of the K, child, we do not believe that the present bus stop creates an unreasonable risk to the safety and welfare of Appellant's child. For the reasons cited above the appeal is denied.



**WILLIAM C. CLIFTON  
HEARING OFFICER**

**APPROVED:**



**PETER McWALTERS  
COMMISSIONER OF EDUCATION**

**DATE:** July 17, 1998